

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 172

**SENATE BILL 1059**

AN ACT

AMENDING SECTIONS 13-1501 AND 13-1504, ARIZONA REVISED STATUTES; RELATING TO  
CRIMINAL TRESPASS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-1501, Arizona Revised Statutes, is amended to read:

13-1501. Definitions

In this chapter, unless the context otherwise requires:

1. "CRITICAL PUBLIC SERVICE FACILITY" MEANS:

(a) A STRUCTURE OR FENCED YARD THAT IS POSTED WITH SIGNAGE INDICATING IT IS A FELONY TO TRESPASS OR SIGNAGE INDICATING HIGH VOLTAGE OR HIGH PRESSURE AND IS USED BY A RAIL, BUS, AIR OR OTHER MASS TRANSIT PROVIDER, A PUBLIC OR PRIVATE UTILITY, ANY MUNICIPAL CORPORATION, CITY, TOWN OR OTHER POLITICAL SUBDIVISION THAT IS ORGANIZED UNDER STATE LAW AND THAT GENERATES, TRANSMITS, DISTRIBUTES OR OTHERWISE PROVIDES NATURAL GAS, LIQUEFIED PETROLEUM GAS, ELECTRICITY OR A COMBUSTIBLE SUBSTANCE FOR A DELIVERY SYSTEM THAT IS NOT A RETAIL-ONLY FACILITY, A TELECOMMUNICATIONS CARRIER OR TELEPHONE COMPANY, A MUNICIPAL PROVIDER AS DEFINED IN SECTION 45-561, A LAW ENFORCEMENT AGENCY, A PUBLIC OR PRIVATE FIRE DEPARTMENT OR AN EMERGENCY MEDICAL SERVICE PROVIDER.

(b) A STRUCTURE OR FENCED YARD OR ANY EQUIPMENT OR APPARATUS THAT IS POSTED WITH SIGNAGE INDICATING IT IS A FELONY TO TRESPASS OR SIGNAGE INDICATING HIGH VOLTAGE OR HIGH PRESSURE AND IS USED TO MANUFACTURE, EXTRACT, TRANSPORT, DISTRIBUTE OR STORE GAS, INCLUDING NATURAL GAS OR LIQUEFIED PETROLEUM GAS, OIL, ELECTRICITY, WATER OR HAZARDOUS MATERIALS, UNLESS IT IS A RETAIL-ONLY FACILITY.

~~1.~~ 2. "Enter or remain unlawfully" means an act of a person who enters or remains on premises when such THE person's intent for so entering or remaining is not licensed, authorized or otherwise privileged except when the entry is to commit theft of merchandise displayed for sale during normal business hours, when the premises are open to the public and when the person does not enter any unauthorized areas of the premises.

~~2.~~ 3. "Entry" means the intrusion of any part of any instrument or any part of a person's body inside the external boundaries of a structure or unit of real property.

~~3.~~ 4. "Fenced commercial yard" means a unit of real property THAT IS surrounded completely by either fences, walls, buildings, or similar barriers, or any combination thereof OF FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS, and THAT IS used primarily for business operations or where livestock, produce or other commercial items are located.

~~4.~~ 5. "Fenced residential yard" means a unit of real property THAT immediately surrounding SURROUNDS or IS adjacent to a residential structure and THAT IS enclosed by a fence, wall, building or similar barrier, or any combination thereof OF FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS.

6. "FENCED YARD" MEANS A UNIT OF REAL PROPERTY THAT IS SURROUNDED BY FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS OR ANY COMBINATION OF FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS.

1       5. 7. "In the course of committing" means any acts THAT ARE performed  
2 by an intruder from the moment of entry to and including flight from the  
3 scene of a crime.

4       6. 8. "Nonresidential structure" means any structure other than a  
5 residential structure.

6       7. 9. "Residential structure" means any structure, movable or  
7 immovable, permanent or temporary, THAT IS adapted for both human residence  
8 and lodging whether occupied or not.

9       8. 10. "Structure" means any vending machine, OR ANY building,  
10 object, vehicle, railroad car or place with sides and a floor, THAT IS  
11 separately securable from any other structure attached to it and THAT IS used  
12 for lodging, business, transportation, recreation or storage.

13       9. 11. "Vending machine" means a machine that dispenses merchandise  
14 or service through the means of currency, coin, token, credit card or other  
15 nonpersonal means of accepting payment for merchandise or service received.

16       Sec. 2. Section 13-1504, Arizona Revised Statutes, is amended to read:

17       13-1504. Criminal trespass in the first degree; classification

18       A. A person commits criminal trespass in the first degree by  
19 knowingly:

20       1. Entering or remaining unlawfully in or on a residential structure  
21 or in a fenced residential yard; or.

22       2. ENTERING OR REMAINING UNLAWFULLY IN A FENCED RESIDENTIAL YARD.

23       2. 3. Entering any residential yard and, without lawful authority,  
24 looking into the residential structure thereon in reckless disregard of  
25 infringing on the inhabitant's right of privacy.

26       3. 4. Entering unlawfully on real property THAT IS subject to a valid  
27 mineral claim or lease with the intent to hold, work, take or explore for  
28 minerals on such THE claim or lease.

29       4. 5. Entering or remaining unlawfully on the property of another and  
30 burning, defacing, mutilating or otherwise desecrating a religious symbol or  
31 other religious property of another without the express permission of the  
32 owner of the property.

33       6. ENTERING OR REMAINING UNLAWFULLY IN OR ON A CRITICAL PUBLIC SERVICE  
34 FACILITY.

35       B. Criminal trespass in the first degree UNDER SUBSECTION A, PARAGRAPH  
36 1, 5 OR 6 is a class 6 felony if it is committed by entering or remaining  
37 unlawfully in or on a residential structure or committed pursuant to  
38 subsection A, paragraph 4. Criminal trespass in the first degree UNDER  
39 SUBSECTION A, PARAGRAPH 2, 3 OR 4 is a class 1 misdemeanor if it is committed  
40 by entering or remaining unlawfully in a fenced residential yard or committed  
41 pursuant to subsection A, paragraph 2 or 3.

APPROVED BY THE GOVERNOR MAY 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.

Passed the House April 7, 2003,

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate February 18, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett  
President of the Senate

Charmine Billington  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1059**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 1, 2003

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Ken Blumett  
President of the Senate  
Charmine Ballinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003

at 3:09 o'clock P. M.

Sandra Hamers  
Secretary to the Governor

Approved this 7 day of

May, 2003,

at 10<sup>20</sup> o'clock 11. M.

At 11:15  
Governor of Arizona

S.B. 1059

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003,

at 4:09 o'clock P. M.

James L. Brewer  
Secretary of State